

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

BRIAN HEBERT,

Plaintiff,

V.

LITIGATION DOCUMENT GROUP,
INC., *et al.*,

Defendants.

Case No. 2:17-CV-01536-KJD-CWH

ORDER

Presently before the Court is Plaintiff's Motions for Entry of Clerk's Default (#11/17).

Defendants' answers were due no later than September 7, 2017. Defendants filed their answer on September 11, 2017. Essentially, Plaintiff seeks default based on a one business day delay in filing the answer. The Court construes Defendants' answer as a simultaneous motion to extend the time to file the answer. Lack of prejudice being found, the motion to extend is granted. Having to litigate the case on the merits can never be construed as prejudice. Further, the Court heavily weighs the public interest in cases being resolved on the merits in favor of extension and against default.

Accordingly, IT IS HEREBY ORDERED that Plaintiff's Motions for Entry of Clerk's Default (#11/17) are **DENIED**.

DATED this 26th day of September 2017.



Kent J. Dawson
United States District Judge